

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

STATE OF HAWAII

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

BRIAN EVANS,

Plaintiff

vs.

GILEAD SCIENCES, INC, et al

Defendants

JUL 17 2020

at 10 o'clock and 45 min. A.M.
CLERK, U.S. DISTRICT COURT

jm

CASE NO. 20-CV-00123-DKW-KJM

PLAINTIFFS EMERGENCY MOTION TO STRIKE DEFENDANTS
REPLY TO PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO
DISMISS & MOTION FOR SANCTIONS FOR PERJURY

(Or, In the Alternative, Plaintiff's Motion for Reconsideration if Defendants
Reply Motion was Ruled Upon Prior to this Emergency Motion being received
by the Court due to Postal Delays related to COVID)

Plaintiff, Brian Evans, Pro Se, prays this Court will Strike the Defendants Reply to Plaintiff's Opposition to Defendants Motion to Dismiss.

As the Plaintiff clearly stated in his Motion to Dismiss, he is currently in discussions with various attorneys who want to take this case, especially given a doctor's note that conclusively links their product to the Defendants.

As a Pro Se litigant, the Plaintiff has adequately demonstrated harm has been done, and Discovery and Evidence to be provided to the Court in during this case will prove as such. To ask the Court to dismiss the case *with prejudice*, knowing their product, by a doctor, has been linked to his injuries is simply preposterous and in

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Date 7/17/2020

Mailed On
Date 7/17/2020

line with what *thousands* of others cases against them allege, and for which numerous courts, frankly all of them, have rejected.

Defendants also did not serve the Reply to the Plaintiff in any fashion and was only able to see it had been filed through his account with Pacer.

The Reply must be struck for non-service, and the case should be allowed to proceed. As the Plaintiff has stated, the Plaintiff will be engaging an attorney shortly to enter this case, which they are willing to do on contingency. In the meantime, Plaintiff will continue to follow the Rules of Civil Procedure in this case. Prior to this singular filing by the Defendants, they emailed their motions on the same day of filing, but failed to do so, only because Your Honor made it clear He would Rule without a hearing. As this Honorable Court is likely aware, it is unprecedented that a doctor actually writes a letter on hospital letterhead that directly links a product to a Defendant's injuries as has occurred in this case.

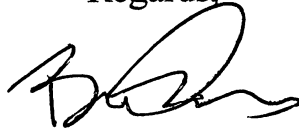
The Court must Order compel proof from the Defendants that they "sent via email" this Reply to Plaintiff's Opposition via email as they claimed to have done in their Reply. They never did so, and therefore perjured themselves before this Court and by claiming to do so ***on July 15th, 2020*** which they did not do, contrary to their Proof of Service, nor even on this day Plaintiff is filing.

This Honorable Court knows full well that the Defendants, had I signed a Proof of Service that I emailed a Motion I filed, that the Defendants would be sending this very same request. Plaintiff also hasn't received it via mail, but this is not the point. The Proof of Service filed with the Reply specifically states the Proof of Service was emailed to me and it was not, and Plaintiff requests this Court Compel the Defendants to show that any of the three attorneys they have representing this

case ever sent me such an email with this Motion for which I am objecting to for lying to this Honorable Court when stating it served Plaintiff via email or mail.

Their Reply must be struck for this, and my case allowed to proceed.

Regards,

A handwritten signature in black ink, appearing to read 'Brian Evans', with a stylized, cursive script.

Brian Evans

7/16/2020

PROOF OF SERVICE


A copy of Plaintiffs PLAINTIFF'S MOTION TO STRIKE DEFENDANTS
REPLY TO PLAINTIFFS OPPOSITION TO DEFENDANTS MOTION TO
DISMISS (Or, In the Alternative, Plaintiff's Motion for Reconsideration if
Defendants Reply Motion was Ruled Upon Prior to this Emergency Motion being
received by the Court due to Postal Delays related to COVID) has been mailed
prepaid US Postage to, on this 16th day of July, 2020`:

Joshua E. Anderson
Sidley Austin LLP
555 West Fifth Street
Suite 4000
Los Angeles, CA 90013,

Alycia A. Degen
Sidley Austin LLP
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Stefan M. Reinke
Lyons Brandt Cook & Hiramatsu
Davies Pacific Center
841 Bishop Street
Suite 1800
Honolulu, Hawaii 96813,
All counsel for the Defendants.

Served under Penalty of Perjury on this 16th day of July, 2020

A handwritten signature in black ink, appearing to read 'B. Evans', is written over a horizontal line.

BRIAN EVANS